

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL JOHN KRAFT,

Defendant.

Case No. 2:25-CR-0040-TOR

STIPULATED PROTECTIVE
ORDER REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND

The Court has received and reviewed the Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband filed by the parties in the above-captioned matter and is fully advised.

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby ORDERS that the Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband filed by the parties is GRANTED.

1. IT IS FURTHER ORDERED that 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the government makes the material reasonably available to Defendant and provides an ample opportunity for the defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.

§ 3509(m), and to allow Defendant the greatest opportunity to prepare an effective defense in preparation for trial in this matter, the government will make a forensic copy or “image” of devices and media containing alleged child pornography contraband at issue in the above-referenced case. The government will make full forensic images reasonably available to Defendant and provide ample opportunity for the defense team to examine them at a government facility in Spokane, Washington. The United States will also work with counsel for Defendant to make reasonably available a working copy of contraband material at the offices of Homeland Security Investigations in Richland, Washington. The parties may readdress the Court if there is a need for additional or after-hours access during the course of litigation in the event trial or motion hearings require additional forensic review.

3. IT IS FURTHER ORDERED that the defense forensic examination of the full forensic images in Spokane may be conducted in an interview room monitored by closed-circuit television (“CC-TV”), without audio feed. If so, the TV with non-audio feed will ensure the integrity of government agency space and security of its occupants and will not be of sufficient detail or at an angle that would reveal defense strategy. The government and its agents will make no attempt to record any audio from the workstation and no attempt to observe the defense team’s work product or computer monitor screen at any time. The defense expert may review the feed to ensure that defense strategy is not being compromised at any time while conducting the forensic review.

4. IT IS FURTHER ORDERED that the defense team¹ shall not make, nor permit to be made, any copies of the alleged child pornography contraband pursuant to this Protective Order, nor will they remove any contraband images from the government facility. The defense expert will be allowed to copy any file that is not contraband and

¹ For purposes of this Protective Order, the term “defense team” refers solely to Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert (“defense expert”), and a defense investigator.

1 compile a report (without contraband images/videos) documenting the examination on
2 removable media at the discretion of the defense expert.

3 5. IT IS FURTHER ORDERED that any defense counsel and/or designated
4 defense expert will leave at the government facility any equipment, including hard
5 drives, which contain child pornography contraband that is identified during forensic
6 evaluation.

7 6. IT IS FURTHER ORDERED that for the purpose of trial, the government
8 will make available a digital copy of any government trial exhibit that contains
9 contraband, which will be kept in the custody and control of the case agent. Upon
10 reasonable notice by the defense, the case agent will also maintain for trial digital copies
11 of any proposed defense exhibit that contains contraband. If the defense team intends to
12 offer, publish, or otherwise utilize any government or defense exhibit contained on the
13 digital copy maintained by the case agent during trial, the case agent shall assist the
14 defense team in publishing or utilizing the exhibit that contains contraband upon
15 reasonable notification by the defense team.

16 7. IT IS FURTHER ORDERED that this ORDER shall apply to any attorneys
17 who subsequently become counsel of record, along with their defense teams, without the
18 need to renew or alter the ORDER.

19 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to
20 counsel.

21 Dated March 24, 2025.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
UNITED STATES DISTRICT JUDGE